REMARKS

Applicants wish to thank the Examiner for considering the present application. In the Office Action dated March 17, 2004, claims 1-22 are pending in the application. Applicants respectfully request the Examiner for reconsideration of the rejections.

Claims 8, 10, 11, and 20 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Claims 8, 10 and 11 have been amended to overcome the rejections. Applicants have reviewed claim 20 and believe that the Examiner has made a typo and meant to reject claim 21 rather than claim 20. Claim 21 has also been amended to overcome the rejections set forth by the Examiner.

Claims 1-7 and 9-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Clare* (6,179,310) in view of *Wielenga* (6,065,558).

Claim 1 is directed to a rollover control system for an automotive vehicle that includes an active suspension having an independently adjustable unloading side and a loading side. The system further includes a rollover sensor that generates a rollover signal for detecting an imminent rollover of the vehicle and a controller coupled to the rollover sensor for controlling the active suspension to generate a restoring torque in response to the rollover signal. On the bottom of page 2 the Examiner states, "Clare teaches a rollover control system for an automotive vehicle." Applicants respectfully submit that the *Clare* reference does not teach or suggest a rollover control system. The *Clare* reference is directed to a body roll or tilt control-type system that controls the movement of the body relative to the suspension. Applicants have distinguished a rollover system from a tilt control or body roll system in the Background of the invention at paragraph 3, which states: "Vehicle rollover and tilt control (or body roll) are distinguishable dynamic characteristics. Tilt control maintains the vehicle body on a plane or

nearly on a plane parallel to the road surface. Roll over control is maintaining the vehicle wheels on the road surface. One system of tilt control is described in U.S. Patent 5,066,041. The '041 patent uses control elements arranged between the vehicle wheel suspension members and the vehicle body to generate forces in a vertical direction. The control elements generate a rolling moment at the vehicle body counteracting the rolling motion caused by driving conditions. The rolling moment distribution is controlled between the front axle and the rear axle." The Examiner correctly points out that the *Clare* reference does not teach a rollover sensor at the top of page 3. Also, the *Clare* reference does not have a controller coupled to the rollover sensor for controlling the active suspension to generate a storing torque in response to the rollover signal.

The *Wielenga* reference is cited for teaching an anti-rollover system. Applicants agree with the Examiner that a rollover sensor is described. However, *Wielenga* only teaches the use of brakes to control rollover of the vehicle. As mentioned in *Wielenga*, "Accordingly, it would be desirable to provide a simple and inexpensive vehicle brake system for preventing friction rollovers." Thus, the goal of *Wielenga* was to implement an inexpensive system using the brakes. No teaching or suggestion is found in the *Wielenga* reference for implementation in an active suspension. Thus, applicants believe that no teaching or suggestion is found in either reference for the combination made by the Examiner. That is, the *Clare* reference does not deal with rollover of a vehicle and the *Wielenga* reference has no relation to controlling an active suspension. Applicants therefore respectfully request the Examiner for reconsideration of the rejection of claim 1.

Claims 2-7 and 9-11 are also believed to be allowable for the same reasons set forth with respect to claim 1.

Claim 12 is directed to a method for controlling rollover stability of a vehicle having an active suspension that includes sensing an imminent rollover of the vehicle and generating a

restoring torque in response to the rollover signal by controlling the active suspension. Applicants respectfully submit that neither the *Clare* reference nor the *Wielenga* reference teach generating a restoring torque to respond to a rollover signal by controlling the active suspension. Applicants therefore respectfully request the Examiner to reconsider claims 12-17.

Claim 18 is directed to a method for controlling rollover stability of a vehicle that includes the steps of sensing imminent rollover of the vehicle in response to a rollover signal and determining a loading side and an unloading side of the vehicle in response to the rollover signal. One side of the vehicle is then unloaded while the other side is loaded to generate a restoring torque to counter the imminent rollover. Applicants respectfully submit that these steps are not taught or suggested in the *Clare* reference or the *Wielenga* reference. As mentioned above, the *Clare* reference does not teach sensing rollover of a vehicle and the *Wielenga* reference does not teach or suggest controlling an active suspension. Further, neither reference teaches "generating a restoring torque in response to the steps of unloading and loading to counter the imminent rollover." Applicants therefore respectfully request the Examiner to reconsider the rejection of claim 18. Further, applicants request the Examiner to reconsider the rejection of claims 19-22 for the same reasons set forth above with respect to claim 18.

Claims 10, 16 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Clare* in view of *Wielenga* and in further view of *Miichi* (5,438,515). The *Miichi* reference also does not teach or suggest controlling an active suspension to prevent rollover of the vehicle. Claims 10, 16 and 19 are all dependent upon their respective independent claims, which are believed to be allowable for the reasons set forth above. Applicants therefore respectfully request the Examiner for a reconsideration of this rejection as well.

Applicants acknowledge the allowability of claim 8.

In light of the above remarks, Applicants believe that all rejections are now overcome. Should the Examiner have any questions or comments which would place the application in better condition for allowance, he is respectfully requested to call the undersigned attorney.

Please charge any fees required in the filing of this amendment to deposit account 06-1510.

Respectfully submitted,

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